

### **Remarks**

Claims 2-5, 8, 9, 13-31, 33, and 34 are withdrawn from present consideration, and applicants reserve the right to pursue these withdrawn claims in a latter divisional application.

Claims 6, 7, 10 – 12, 35, 36 are cancelled in this amendment.

The Examiner has objected to the drawings because they include reference signs not mentioned in the text. New drawings are submitted with this amendment wherein the reference numbers are removed from the drawings.

A new title has been submitted which is more descriptive of the invention.

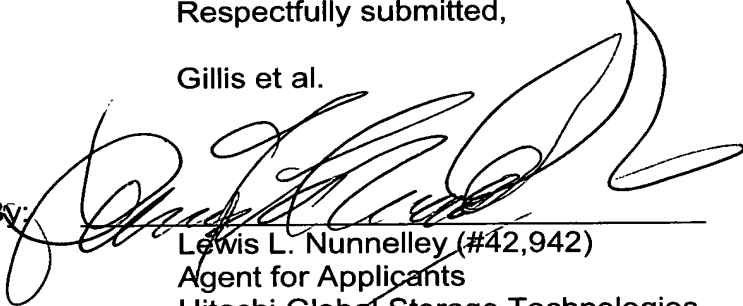
Claims 1 and 32 have been rejected by the Examiner under 35 USC 102(b) as being anticipated by Cunningham (US 5,488,524). Claims 1 and 32 are extant in the application and have both been amended to include the limitation of burnishing using a gaseous burnishing fluid of He or Ne. These noble gases have the combined advantage of reducing the flying height while protecting the slider and the disk surface from oxidation, which may result from the elevated temperatures during burnishing. Support for including these burnishing fluids comes from the specification on page 14. The use of these noble gases appears to be novel over Cunningham, Smith (US 6,493,184), and Sugimoto (US 6,178,068).

Applicants are aware of the obligation to consider the requirements of 35 USC 103(a) and 37 CFR 1.56.

Claims 1 and 32 have been amended to overcome the Examiner's rejection. Claims 1 and 32 are now believed to be in condition of allowance. Applicants respectfully request reconsideration of the present application.

Respectfully submitted,

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